PRECEDENTS of Members deliver'd out of Custody by Parliament.

Walter Clarke, William Hyde, John Atwell,

Rot. Parl. 39 H. 6. n. 9. 14 E. 4. n. 55. 17 E. 4. n. 35.

BUrgesses for Parliament, being arrested, in Execution during the Sessions, were, by three successive Parliaments discharg'd, upon passing of special Acts, for saving the Plaintiff's Debts, and indempnifying the Officers, out of whose Custody they were deliver'd; there being then a Doubt, whether the discharging the Defendants did not bar the Plaintiffs of new Executions, and subject the Officers to Escapes.

George Ferrers,

33 or 34 H. 8. Baker's Chron. fol. 289.

Burgess for *Plimouth*, arrested in Execution (coming to Parliament) and deliver'd, by the Commons, by sending their Serjeant at Arms with the Mace: And the House refus'd to sit till they had him. And when they had him, they pass'd a special Act, like the former.

Sir *Thomas Shirley,*

1 Jac. 1.

Burgess for *Steyning*, taken in Execution four days before the Session, was deliver'd by *Habeas Corpus* (made out by the Clerk of the Crown, upon a Warrant from the Speaker, by Order of the House, upon Report of a Committee) directed to the Warden of the *Fleet*, commanding him to bring Sir *Thomas* to the House, on the Morrow Morning.

And the Warden refusing to execute the Writ till a special Act had pass'd, as in former Cases, was committed to *Little-Ease* in the Tower, till Sir *Thomas* was deliver'd. And there arising a Difference about passing the special Act, the Parliament (to prevent future Doubt or Trouble) pass'd the Act of 1 *Jac.* 1. whereby the Plaintiffs may have new Executions, and the Officers are indempnify'd.

Since that Act, the Members have been discharg'd without any special Acts, *viz.*

Sir *William Bampfield,*

22 Jac. 1.

Burgess for *Bridport*, committed (before his Election) for a Contempt, was discharg'd by *Habeas Corpus*.

Sir *John Prettyman,*

1675.

Being detain'd till the Sessions, was deliver'd by sending the Serjeant with his Mace.

Sir *Robert Holt,*

1676.

Being detain'd in Execution, at the Suit of *Prideaux*, who petition'd against his Enlargement, was deliver'd by sending the Serjeant with his Mace.

Sir *Trevor Williams,*

1 Gul. 3.

And others, serv'd as Members, tho they were in Execution before the Summons for the Parliament.

And in 31 *H.* 6. the Commons were for discharging Mr. *Thorpe*, their Speaker, then in Execution at the Suit of the Duke of *York*. But the History of that Reign shews, it was the Power of the Duke that detain'd him.

And as to Mr. *Fitz-Herbert*'s (reported by *More*) and Mr. *Mountague*'s Case; there were particular Objections in both these Cases, which are not in Mr. *Asgill*'s.

Since all those; by 12 *Gul.* the Parliament have devested themselves of all other Privileges, but their Persons, which is the essential Right of the House, and without which they cannot subsist. For tho one Member (being detain'd by such an Accident) be not miss'd or wanted in the House; yet there being a Possibility (tho not a Probability) that such an Accident may happen to the whole Commons, the Admission of such an Accident to be a just Cause of Detainer, doth tend to the natural Dissolution of the Legislature.

PRECEDENTS
OF
Members deliver'd out of Custody by Parliament.